

STATE OF TEXAS           §  
                                     §       AFFIDAVIT OF DOUGLAS B. WELMAKER  
COUNTY OF TRAVIS       §

On this date, DOUGLAS B. WELMAKER personally appeared before me, the undersigned Notary Public, and after being duly sworn stated the following under oath:

1.       “My name is Douglas B. Welmaker. I am over the age of twenty-one (21) and have never been convicted of a felony. The facts contained in this Affidavit are within my personal knowledge and are true and correct. I am qualified to make this Affidavit.
2.       I am the attorney of record for Plaintiff Maria Gomez.
3.       I am licensed to practice in the State of Texas. I have been so licensed since 1993. I am licensed to practice in all Texas Federal District Courts. I have practiced in the area of labor and employment law since 1993.
4.       My practice is limited to labor and employment law, and I have represented both plaintiffs and defendants in labor and employment matters. My practice requires substantial legal training, expertise and yearly continuing education requirements. In addition, I believe that I have developed substantial trial and arbitration experience in the area of labor and employment law.
5.       As an attorney employed by the law firm of Dunham & Jones, P.C., I represent plaintiffs in Fair Labor Standards Act (“FLSA”) cases throughout the State of Texas. I have experience representing plaintiffs in the Northern District of Texas. My hourly rate is Four Hundred and No/100 Dollars (\$400.00.). This rate is in accordance with that customarily charged by attorneys with my reputation, skill, and experience in cases of this nature. Courts in both the Northern District of Texas (*Robinson v. Nexion Health at Terrell, Inc.*, CA 3:12-cv-03853, N. D. Tex., Dkt. 56, Feb. 11, 2015) (*Cunningham v. P3*

*Hospitality, LP et al*, CA 1:14-cv-00092-C, Dkt 21, N.D. Tex. April 24, 2015) and the Western District of Texas (*Meesook v. Grey Canyon Family Medicine, PA, et al*, 2014 WL 5040133 (W.D. Tex. 2014) have found my hourly rate of \$400 an hour to be reasonable.

6. In the course of this litigation I have employed the services of associate counsel. Michael Parsons, of the law firm of Dunham & Jones, P.C., has assisted with various matters in this litigation including legal research, document review and client communication. Mr. Parsons is a practicing attorney in Austin, Texas in Travis County. Mr. Parsons has practiced in the area of labor and employment law since 2013. Mr. Parsons billed a total of 39.5 hours on this case at a rate of \$250.00 an hour, for a total of \$9,875.00.

7. In the handling of this matter, I have I billed a total of 71.5 hours on this case at a rate of \$400.00 an hour for a total of \$28,600.00. In so doing, I performed the following services:

- Legal research;
- Prepare Original Complaint;
- Conduct damages analysis;
- Multiple conferences with client;
- Prepare all discovery propounded to Defendants, and respond to all discovery from Defendants;
- Prepare for and depose Defendants;
- Prepare and present Plaintiff for her deposition;
- Participate in the Settlement Conference with the Magistrate;

-Prepare and file all motions.

8. Attorneys' fees in this matter total \$38,475.00 (Thirty Eight Thousand, Four Hundred and Seventy Five and No/100 Dollars.

9. Costs incurred in connection to this matter total Two Thousand, One Hundred and Eighteen and 21/100 Dollars (\$2,118.21) as follows:

- Filing fee of Four Hundred and No/100 Dollars (\$400.00); and
- Service of process fees of Fifty and No/100 Dollars (\$50.00), Seventy Five and No/100 Dollars (\$75.00).
- Secretary of State Research fees of Two and No/100 Dollars (\$2.00).
- Hotel costs of One Hundred and Twenty and 90/100 Dollars (\$120.90).
- Rental car costs of Three Hundred and Ninety Five and 24/100 Dollars (\$395.24).
- Gasoline costs of One Hundred and Twelve and 45/100 Dollars (\$112.45).
- Meal costs of Thirty Six and 54/100 Dollars (\$36.54).
- Parking costs of Twenty Three and No/100 (\$23.00).
- Deposition costs of Nine Hundred and Three and 08/100 Dollars (\$903.08).

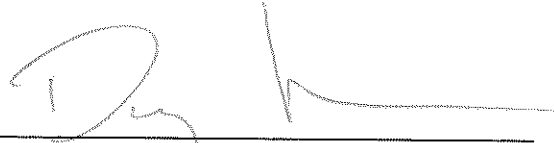
10. The total amount of attorneys' fees and costs incurred in connection with this matter is Forty Thousand, Five Hundred and Ninety Three and 21/100 Dollars (\$40,593.21).

11. Should Defendant file a Motion for New Trial, Motion to Set Aside Default, or any equivalent motion, additional time will be required to prepare for and defend against such motion. It is my opinion that ten (10) additional hours of attorney's time will be

required and that Four Thousand and No/100 Dollars (\$4,000.00) will be a reasonable attorneys' fees for defending against such motion.

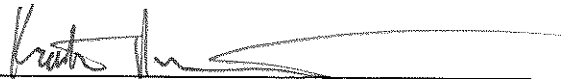
12. Should Defendant appeal this matter to the United States Court of Appeals for the Fifth Circuit, additional time will be required to prepare for defend against such appeal. It is my opinion that twenty (20) additional hours of attorney's time will be required and that Eight Thousand and No/100 Dollars (\$8,000.00) will be a reasonable attorneys' fees for defending against such appeal.

Further, affiant sayeth not."



Douglas B. Welmaker

SUBSCRIBED AND SWORN TO before me by the said witness on this the 7<sup>th</sup>  
day of October, 2015.



Notary Public – State of Texas